

## **Exhibit E**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RUBY FREEMAN and WANDREA	)	
MOSS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:21-CV-1424-HEA
	)	
JAMES HOFT, JOSEPH HOFT, and TGP	)	
COMMUNICATIONS LLC d/b/a <i>THE</i>	)	
<i>GATEWAY PUNDIT</i> ,	)	
	)	
Defendants.	)	

**AFFIDAVIT OF ATTORNEY MATTHEW D. AMPLEMAN**

I, Matthew D. Ampleman, being duly sworn, and based on my personal knowledge, state:

1. My name is Matthew D. Ampleman. I am an attorney with the law firm Dowd Bennett LLP. I represent Plaintiffs Ruby Freeman and Wandrea Moss in this action. I am over the age of 18 and am competent to make this affidavit.

2. On December 15, 2021, I viewed videos of the radio program Joe Hoft hosts on Real Talk 99.3, KRTK, each of which records a studio view taken during the hours of his radio program, and which were available on KRTK's Facebook page on December 15, 2021 at the following URL: [https://www.facebook.com/pg/RealTalk933fm/videos/?ref=page\\_internal](https://www.facebook.com/pg/RealTalk933fm/videos/?ref=page_internal)

3. On December 15, 2021, KRTK's Facebook page had accessible videos of Joe Hoft broadcasting on the following dates' broadcasts: November 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 29 and 30, and December 1, 2, 3, 6, 7, and 9.

4. On December 15, 2021, I viewed portions of each of these videos recorded on November 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 29 and 30, and December 1, 2, 3, 6, 7, and 9.

5. On December 15, 2021, KRTK's Facebook page did not have full broadcast videos of any of its programs recorded before November 4, 2021.

6. In each of the videos of Joe Hoft that I viewed on KTRK's Facebook page, Joe Hoft appears in a radio broadcast studio with identical signage for "Real Talk 93.3."

7. The studio contained within these videos appears to be identical to the studio wherein Real Talk 93.3's other radio broadcast programs are recorded, based on videos of those other broadcast programs which, as of December 15, 2021, were provided on the same Facebook page for KRTK.

8. I have viewed Real Talk Radio's Registration of Fictitious Name filed with the Missouri Secretary of State which states that the address of Ellis Broadcasting Media, LLC d/b/a Real Talk Radio – the Voice of Freedom, is 17824 Edison Avenue, Chesterfield, Missouri 63005.

9. Based on the videos and documents described within this affidavit, it is my understanding that Joe Hoft recorded his radio program in-person at Real Talk Radio's 17824 Edison Avenue, Chesterfield Missouri address Monday through Friday, including at least the period starting November 5 and running through December 7, 2021, except for Thanksgiving day and the Friday following Thanksgiving.

FURTHER AFFIANT SAYETH NAUGHT

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 16<sup>th</sup> of December, 2021.

/s/ Matt D. Ampleman

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been served upon all parties electronically through the Court's ECF system on this 16<sup>th</sup> day of December, 2021.

/s/ James F. Bennett